REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims

Claims 1-12 and 14-27 are currently pending. Claims 15-27 have been withdrawn from consideration.

By this paper, claims 1, 7 and 14 have been amended, and claims 28 and 29 have been added. No new matter is believed to have been added by these amendments.

Upon entry of this paper, claims 1-12 and 14-29 would be pending.

B. Rejection Under 35 U.S.C. §§ 102 and 103

Claims 1-3, 7-9 and 14 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,400,110 to Soshi ("Soshi"). Claims 4-6 and 10-12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Soshi in view of U.S. Patent No. 7,009,641 to Takahashi ("Takahashi").

As reflected in claims 1, 7 and 14, a database which represents a relationship between a photographing frequency, object distance, and object brightness is prepared in advance by statistically processing information obtained from a plurality of past photographing operations. In other words, the database is already prepared for example before manufacturing the image sensing apparatus and the database is stored in the memory in the image sensing apparatus for example during manufacture of the image sensing apparatus in a manufacturing factory. By way of example, only a object brightness is detected by the image sensing apparatus at the timing of shooting and a object distance, at which the object to be sensed most likely exists, is estimated by using the database. More specifically, as shown Fig. 2, a distance at which the object to be sensed most likely exists is a near distance when the object brightness is low. On the other hand, a distance at which the object to be sensed most likely exists is a far distance when the object brightness is high. As described above, the object distance is merely estimated, but is not measured at the time of shooting.

On the contrary, in the cited reference Soshi, an aperture value in which two objects in a field fall within a depth of field is obtained by calculation based on the object distances. Therefore, in the cited reference Soshi, the object distance is actually measured at the timing of shooting and the aperture value is calculated by using the actually measured object distance and the object brightness. Therefore, in the cited reference Soshi, the object distance is not estimated from the object brightness by using a database.

Therefore, the cited reference Soshi does not anticipate or render obvious a database or use thereof as recited in claims 1, 7 and 14. The remaining references do not appear to remedy the deficiencies of the Soshi teachings.

Accordingly, Claims 1, 7 and 14 and their dependent claims are distinguishable over the cited references.

CONCLUSION

For the above-stated reasons, reconsideration and withdrawal of the outstanding rejection are respectfully requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5173.

Respectfully submitted,
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Dated: December 12, 2007

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